

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED
NOV 17 2004
HARFORD COUNTY

Case No. 5459
Date Filed 11/10/04
Hearing Date _____
Receipt _____
Fee \$ 400

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5459 MAP 27 TYPE Special Exception
ELECTION DISTRICT 05 LOCATION 3120 Tucker Rd., Street, MD 21154
BY George C. Mullin, II, 264 Temple Drive, Bel Air, MD 21014 and
Denise A. Palmer, 337 Grovethorn Road, Baltimore, MD 21220
Appealed because a special exception pursuant to Sec. 267-53F(8) of the Harford
County Code to permit a personal care boarding home in the Ag District requires
approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Co-applicant
-Name DENISE A. PALMER Phone Number (410) 686-6380
Address 337 GROVETHORN ROAD BALTO COUNTY, MD - 21220
Street Number Street City State Zip Code

OWNER
Co-Applicant GEORGE C. MULLIN Phone Number 410-515-2839
Address 264 Temple Bel Air Md. 21015
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3120 Tucker Road, Street, Md. 21154

Harford County, Md.

Subdivision North of Deer Creek Lot Number NONE

Acreage/Lot Size 14.02 ACRES Election District 05 Zoning AG

Tax Map No. 27 Grid No. 2A Parcel 150 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: 2 car detached garage. small bridge over stocked pond, inground pool.

Estimated time required to present case: 2 hours

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

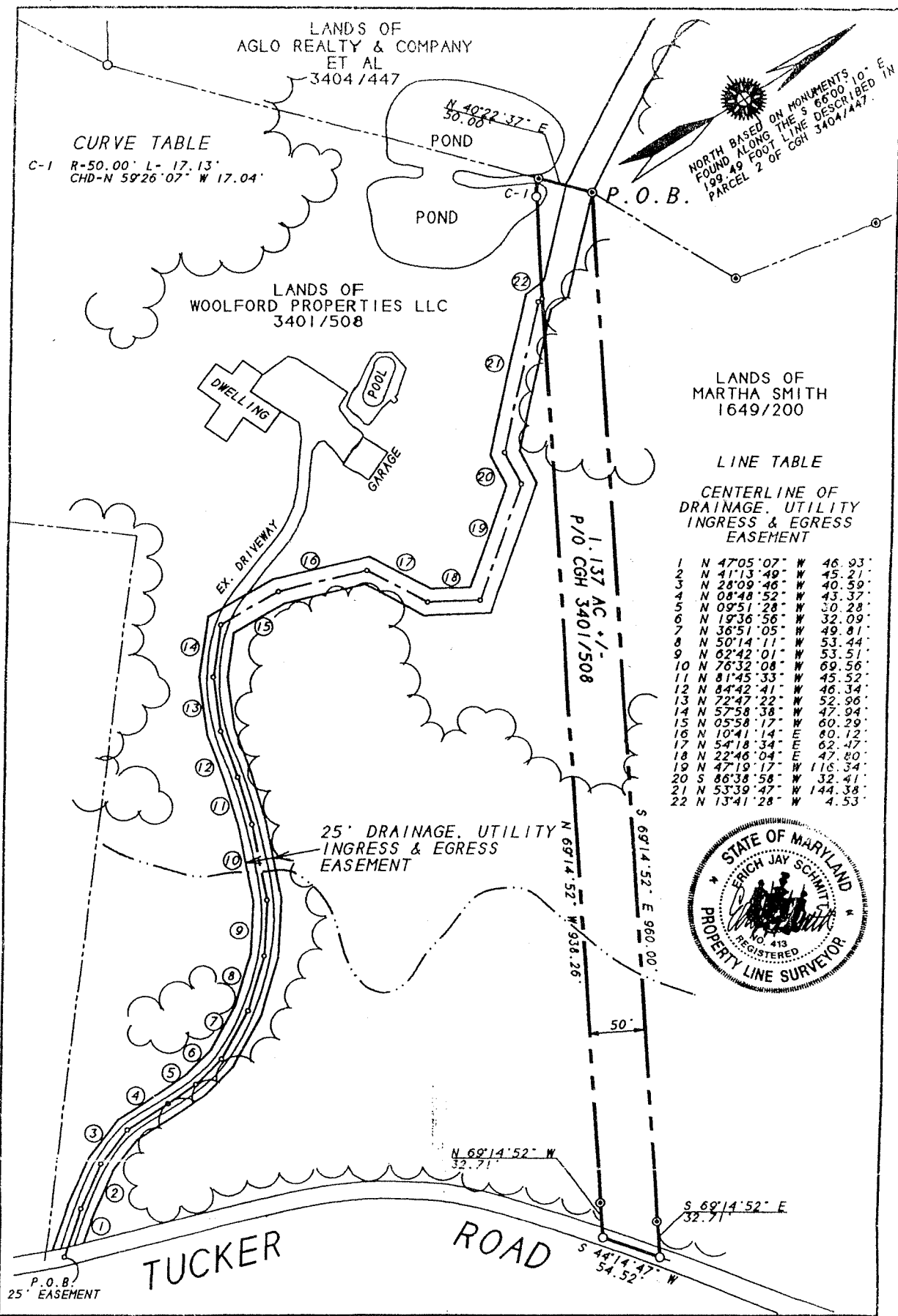
Request

Request to use said property as a residential personal care business for a minimum of 6 residents and not greater than 12 residents for disabled veterans. Personal care program will be operated 24 hours a day, 7 days per week.

Justification

This property has sufficient space to house 12 residents. The property is situated on more than 15 acres and can provide the activities often sought by residential programs, i.e. swimming, fishing, nature walks, etc. The property is also convenient to shopping malls, major traffic routes, and hospitals.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



DATE 11-30-01

SCALE 1" = 100'

DRAWN EJS/CADD

JOB 21006-50

HIGHLAND SURVEY
ASSOCIATES, INC.

4501 FAWN GROVE ROAD
STREET, MARYLAND 21154

410-836-1238

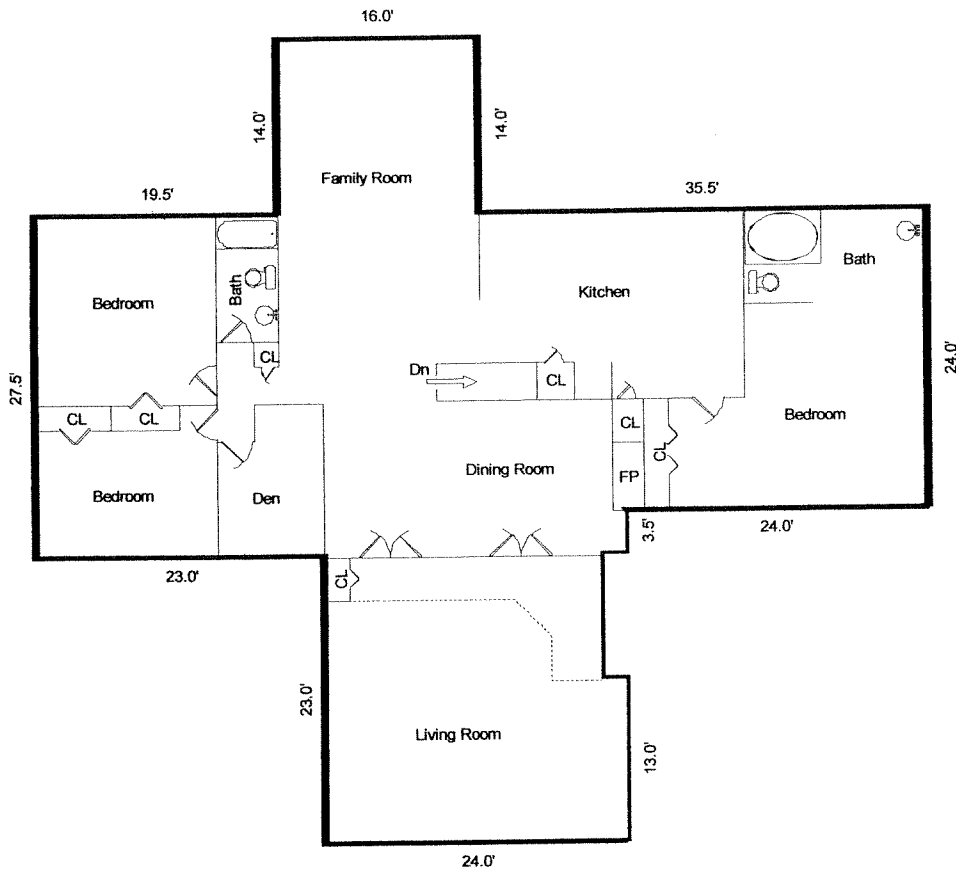
PLAT TO ACCOMPANY
LEGAL DESCRIPTION

LANDS OF
**WOOLFORD PROPERTIES
LLC**

FIFTH ELECTION DISTRICT
HARFORD COUNTY MARYLAND

Building Sketch (Page - 1)

George C. Mullin, III & Lynne E. Mullin
 3120 Tucker Road (aka 3012 Tucker Road)
 County Harford State MD Zip Code 21154-2007
 Forest Hill State Bank



Sketch by Apex IV Windows™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor	2624.50	2624.50
BSMT	Basement	2644.50	2644.50
TOTAL LIVABLE (rounded)			2625

LIVING AREA BREAKDOWN		
Breakdown		Subtotals
First Floor		
14.0 x	16.0	224.00
22.0 x	23.0	506.00
2.0 x	13.0	26.00
27.5 x	47.0	1292.50
24.0 x	24.0	576.00
5 Calculations Total (rounded)		2625

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



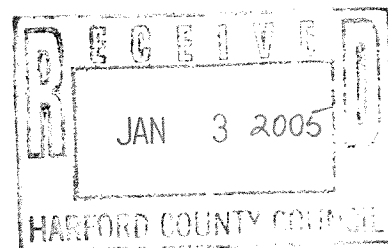
J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 13, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5459

APPLICANT/OWNER: George C. Mullin
264 Temple Drive, Bel Air, Maryland 21015

Co-APPLICANT: Denise A. Palmer
337 Grovethorn Road, Baltimore County, Maryland 21220

REPRESENTATIVE: Applicants

LOCATION: 3120 Tucker Road, Street, Maryland 21154
Tax Map: 27 / Grid: 2A / Parcel: 150
Election District: Five (5)

ACREAGE: 14.02 acres

ZONING: AG/Agricultural

DATE FILED: November 10, 2004

HEARING DATE: January 12, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Request to use said property as a residential personal care business for a minimum of 6 residents and not greater than 12 residents for disabled veterans. Personal Care program will be operated 24 hours a day, 7 days per week."

Preserving our values, protecting our future

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Board of Appeals Case Number 5459

George Mullin & Denise Palmer

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Justification:

“This property has sufficient space to house 12 residents. The property is situated on more than 15 acres and can provide the activities often sought by residential programs, i.e. Swimming, fishing, nature walks, etc. The property is also convenient to shopping malls, major traffic routes, and hospitals.”

CODE REQUIREMENTS:

The Applicants are seeking a Special Exception pursuant to Section 267-53F(8) of the Harford County Code, to permit a Personal Care Boarding Home in the Agricultural District.

Section 267-53F(8) of the Harford County Code reads:

- (8) *Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*
- (a) *The proposed use shall be located in a single-family detached dwelling.*
 - (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*
 - (c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*
 - (d) *Adequate off-street parking shall be provided.*
 - (e) *Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 1).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the northern area of the County, west of MD Route 136 and north of MD Route 1. The site is located on the west side of Tucker Road. A location Map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects the Deer Creek Scenic River District, Sensitive Species Project Review Areas, Stream Systems, farms in the Agricultural Preservation Districts and Easements, Rural Legacy Areas and Habitats

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of Local Significance. The subject property is designated as Agricultural, which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The predominant land use in the area is Agriculture which includes cropland, pastureland and large areas of dense woodland. Residential uses are mainly single family dwellings. The topography in the area ranges from rolling to steep especially along Deer Creek and its many tributaries. Enclosed with the report are copies of the topography map and aerial photograph (Attachment 6 and 7).

The subject property is an irregular shaped property located north of Sandy Hook Road and on the northwest side of Tucker Road. It is a 14.02± acre parcel with topography that ranges from rolling to steep. The property contains a mix of open land and dense woodland with a stream that traverses the front 1/3 of the property and a pond to the rear. Improvements are located approximately 900-feet back from Tucker Road and consist of a brick and frame dwelling (Attachment 8) with a garage in the rear lower level and a deck off to the rear. To the right side of the dwelling is a 2-car block and frame garage, and to the rear of the garage is a fenced in-ground pool. The driveway is a mix of gravel and blacktop with a large blacktopped parking area in front of the garage and to the rear of the dwelling. This area should provide ample parking for the proposed use. There is a recorded common drive easement over the applicants existing driveway. This driveway will be utilized in the future by four recorded lots to the rear of the applicants parcel. Attached is a copy of the plat for these four lots (Attachment 9). The topography ranges from rolling to steep. Enclosed with the report are copies of an enlargement of the aerial photograph and site photographs (Attachments 10 and 11).

Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There is an area along US Route 1 which is zoned B3-General Business District. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachment 12).

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SUMMARY:

The Applicants are seeking a Special Exception pursuant to Section 267-53F(8) of the Harford County Code, to permit a Personal Care Boarding Home in the Agricultural District.

Section 267-53F(8):

(8) *Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*

The Applicants' property is zoned AG/Agricultural.

(a) *The proposed use shall be located in a single-family detached dwelling.*

The subject property contains a brick and frame single-family dwelling. Due to the topography a portion of the rear basement wall is located above ground level providing access to a 1-car garage. There is a large deck running across a large portion of the rear of the dwelling.

(b) *The proposed use meets the minimum lot size requirements for a conventional single-family residences in the district where located.*

The Agricultural district requires a minimum lot area of 2-acres. The subject lot is approximately 14± acres in size.

(c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*

The Applicants are proposing a maximum of 12 patients, which is substantially less then the required density.

(d) *Adequate off-street parking shall be provided.*

To the rear of the dwelling is a very large blacktop parking area. This area along with the garage shall provide adequate parking for the owners, staff and visitors.

(e) *Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.*

Not applicable to the request.

Section 267-9I:

(1) *The number of persons living or working in the immediate area.*

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The subject property is located in a rural area of the County near the Village of Dublin. There are scattered large lot residential developments in the area. The property fronts on Tucker Road, which is a County maintained road that should be adequate to handle the minimal traffic generated by the proposed Personal Care Boarding Home. The property will provide a good living environment for the residences and should have no adverse impact on the community.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property is located on the northwest side of Tucker Road, north of Conowingo Road (US Route 1). Tucker Road is a County maintained local road. Sight distance from the driveway onto Tucker Road appears to be adequate in both directions. The proposed use will generate very little additional traffic.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the Agricultural District with Board of Appeals approval. The Applicants can meet the Code requirements. This is a use that serves a need within the County. The request will not have an adverse fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should have no impact on the surrounding community pursuant to the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and Maryland State Police will provide police protection. Darlington and Dublin Volunteer Fire Companies will provide fire protection. Water and sewer facilities will be provided by an on-site well and septic system. A company of the Applicants' choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The use is consistent with generally accepted planning principles and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

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The proposal should have no impact on any of the uses listed in this subsection. There are churches, schools, and a library within close proximity of the property that may be a benefit to the residents.

- 8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposed use will have no additional impacts on the surrounding natural features.

- (10) *The preservation of cultural and historic landmarks.*

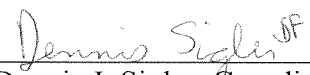
Not applicable to the request.

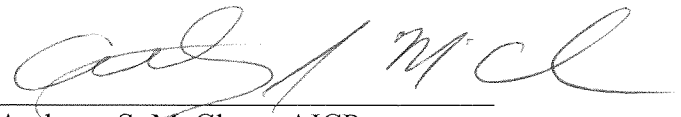
The Health Department provided comments in a letter dated December 3, 2004 (Attachment 13).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall submit a site plan to the Department of Planning and Zoning for review and approval thru the Development Advisory Committee.
2. The approval shall be limited to 12-residents.
3. The Applicants shall obtain all necessary permits and inspections for the proposed use and any necessary renovations to the existing structures.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf